REMARKS

Applicants respectfully traverse the rejections of claims 31 through 40. Before addressing the merits of the rejections, Applicants point out the following advantages provided by the claimed methods. As discussed by Applicants on, for example, page 1, lines 5 through 19, in traditional methods of distributing stored content, the acts of distribution and payment are tightly coupled – you go to the store, pay for mastered content, and it is then distributed to you. Alternatively, you may go online, order and pay for mastered content, and it is then distributed to you. These traditional methods of distribution have substantial associated costs such as warehousing and employee wages.

To address the problems in the prior art, applicants have invented a way to decouple distribution and payment. In such a method, content-mastered optical disks are distributed to users. However, at least a portion of the mastered content is read-protected and thus inaccessible to the users. Each disk has a unique identification number. To gain access to the inaccessible portion, the users must provide a payment. Using the unique identification user, a processor generates an access key which is distributed to the user. By writing this access key on the disk, an optical reader may then gain access to the read-protected content.

For example, consider claim 31, which recites a "method for distribution of content, comprising: distributing information content-mastered optical disks to a plurality of users, wherein each optical disk includes the content and a unique identifier, and wherein a first portion of the content on each optical disk is readable by an optical disk reader only in response to the following steps: [distributing a first permission code to the optical disk reader in exchange for a first payment; generating a first access code by using the first permission code and the unique identifier, and writing the first access code onto the optical disk, whereby the optical disk reader may read the first portion of the content stored on the optical disk by

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using the first access code." Thus, in such a method of distributing content, the content on each optical disk in unreadable unless an access code is written onto the optical disk.

In contrast to the method recited in claim 31, the Selby reference (USP 4,677,604) is squarely in the prior art described above. Specifically, in the Selby reference, the acts of distribution and payment are again tightly coupled. All that Selby addressed was the problem of selling a large database to users who may need only portions of such a large database. As Selby discussed on col. 1, lines 56 through 63, it would be unfair to charge a user who wanted just a portion the cost associated with the entire database. But it would also be expensive to have to produce many different disks having various portions of the database. Thus, as seen in the reference's figure, Selby disclosed the use of a printed bar code [element 16] by which a universal disk is specialized to a particular user. In other words, the entire database is on the disc but a user can only access the portion as identified by the bar code. But note that Selby discloses (see, e.g., col. 3, lines 19 through 27) that the dealer applies this label – thus, distribution and payment are still tightly coupled in the Selby reference.

In addition, there is no disclosure or suggestion of a unique identification number for each disc in Selby. As such Selby cannot teach or disclose the act of "generating a first access code by using the first permission code and the unique identifying number" as recited in claim 31. Without the use of a unique identifying number, a user could receive an access code which could then be posted on the Internet or otherwise disseminated to others. Since payment and distribution are decoupled, these others would be able to freely obtain the discs and write such an access code onto the discs to access the write-protected content without making any payment. Accordingly, claim 31 is patentable over the Selby reference.

Claim 31 has been amended to more clearly point out and distinctly claim the invention. No new matter has been added.

Because claims 32 through 40 depend upon claim 31, they are patentable over the

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Selby reference for at least the same reasons as discussed with respect to claim 31.

The Beetcher reference (USP 5,933,497) adds nothing further. As seen in the abstract and Figure 1, Beetcher is directed to a software access method by which software is distributed having a plurality of "entitlement verification triggers." When run on the user's processor, these triggers command a check of "encoded product key table" [element 450] and "product lock table" [element 460] stored in RAM as seen in Figure 4. In turn, these tables are built using an encrypted key, which as noted by the Examiner, may be sent electronically to the user.

Note that Beetcher discloses or suggests nothing with respect to an act of "distributing information content-mastered optical disks to a plurality of users, wherein each optical disk includes the content and a unique identifier." In addition, nothing is taught or suggested that "a first portion of the content on each optical disk is readable by an optical disk reader only in response to [the remaining acts of claim 1]." Moreover, absolutely nothing is taught or suggested with respect to "writing the first access code onto the optical disk, whereby the optical disk reader may read the first portion of the content stored on the optical disk by using the first access code." Accordingly, claims 31 through 40 are patentable over the Beetcher reference considered alone or in combination with the Selby reference.

The Srinivasan reference adds nothing further (USP 6,460,076). The Srinivasan reference merely discloses a method for distributing content over the Internet as described, for example, in the Abstract. Nothing is taught or suggested with respect to "distributing information content-mastered optical disks to a plurality of users, wherein each optical disk includes the content and a unique identifier" nor is there any teaching or suggestion that ""a first portion of the content on each optical disk is readable by an optical disk reader only in response to [the remaining acts of claim 1]." Moreover, nothing is taught or suggested regarding, for example, an act of "writing the first access code onto the optical disk, whereby

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the optical disk reader may read the first portion of the content stored on the optical disk by using the first access code." As such, Srinivasan does nothing to cure the deficiencies in either the Selby or the Beetcher references.

Claim 34 has been amended to be consistent with claim 31. No new matter has been entered.

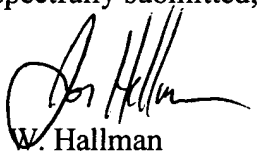
With respect to the Examiner's official notice regarding claim 35, Applicants agree that it old and well known to "distribute information content-mastered optical disks unsolicited such as AOL does." However, Applicants note that claim 35 depends upon claim 31 and therefore contains all the limitations recited in claim 31. As set forth above, it is thus not well known or old to practice the method of claim 35 in view of the Selby, Beetcher, and Srinivasan references nor any other prior art known to the Applicants.

CONCLUSION

For the foregoing reasons, pending claims 31 through 40 are in condition for allowance.

If there are any questions regarding any aspect of the application, please call the undersigned at 949-752-7040.

Respectfully submitted,



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